Law Reform Commission

Thirtieth
Annual Report
2000 - 2001

Manitoba

Law Reform Commission

Commission de réforme du droit

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THIRTIETH ANNUAL REPORT

2000-2001

March 31, 2001

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

Commissioners:

Clifford H.C. Edwards, Q.C., *President*
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Hon. Pearl K. McGonigal
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The Manitoba Law Reform Commission is funded through grants from:

The Department of Justice, Government of Manitoba

and

The Manitoba Law Foundation

Copies of the Commission's Reports may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, MB R3C 1T5; however, some of the Commission's Reports are no longer in print.

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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société.

PART I

INTRODUCTION

Having just completed thirty years of operation, we would like to take a brief look at our past history. It might be said that we are reminiscent of the Phoenix: we keep rising from the grave. As the Oxford dictionary aptly described it:

> a mythical bird, the only one of its kind, that after living for five or six centuries in the Arabian desert, burnt itself on a funeral pyre and rose from the ashes with renewed youth to live through another cycle.

While centuries are far beyond our life expectations, we have now risen from the ashes twice although at no time were we ever totally abolished nor were we responsible for our demise as was the Phoenix.

Since our establishment in 1970 by an NDP Government, it then attempted to abolish us seventeen years later only for us to be resurrected by the Conservatives in 1988 who later also tried to abolish us in 1997. We are now on our second resurrection. Although we are still struggling with our lack of staff and resources, our rapport with the current government is very good and we hope that in the not too distant future we might find ourselves on a more stable footing.

PART II

THE YEAR IN REVIEW

April 1, 2000 to March 31, 2001

1. REPORTS ISSUED

Three Reports were submitted to the Minister of Justice and Attorney General during the past year. The following is a brief description of each Report.

#104 - Compensation of Vaccine-Damaged Children - June 2000

In its Report, the Commission recommends the enactment of *The Childhood Vaccination Injury Compensation Act*. Coverage under the plan would be given to all persons vaccinated under the age of 18 provided that the vaccination was administered in Manitoba by a registered health professional and the child was a resident of Manitoba at the time of the vaccination. Compensation would be calculated in accordance with the pertinent assessment rules under the Personal Injury Protection Plan of Autopac and the administrative structure and procedures would be modelled on the procedures in which no-fault compensation claims are handled under *The Victims' Rights Act*. The Commission recommends that the cost of the plan be met from general taxation revenues. Although the proposed plan is directed at children, the Commission recommends that the government give consideration to its extension to all vaccine recipients within a reasonable period of time. The Commission also urges Manitoba Health and all persons involved in the system of childhood immunization to provide parents with full and accurate information of the risks and benefits of each vaccine and the risks of the disease it is intended to prevent and to promote full and complete reporting of all adverse events temporally related to vaccinations.

#105 - Assessment of Damages under *The Fatal Accidents Act* for the Loss of Guidance, Care and Companionship - October 2000

In a series of cases in the 1980s, the Manitoba Court of Appeal held that claimants should each receive a moderate, conventional (standardized lump sum award. The lump sums were set at $10,000 for parents, children and spouses of the deceased and $2,500 for siblings of the deceased. Those lump sums have not been increased during the last twenty years. In its recent decision in *Braun Estate* v. *Vaughan*, the Court upheld this practice and declined either to increase

the lump sums or to index them to inflation. Although the method of assessment of damages and the quantum of the award in other provinces are not uniform, the amount awarded to claimants is generally much higher than that currently being awarded in Manitoba.

The Commission recommends increasing the conventional sums currently awarded by the courts to compensate specified family members for the loss of guidance, care and companionship that the deceased would have provided but for his or her untimely death. It recommends that the awards be set by legislation at $30,000 each for parents, spouses and children and $7,500 each for siblings. It further recommends that the legislation provide that the new conventional awards be adjusted by the courts according to the prevailing rate of inflation.

#106 - The Legislative Assembly and Conflict of Interest - December 2000

The Legislative Assembly and Executive Council Conflict of Interest Act regulates how Members of the Manitoba Legislative Assembly avoid, and deal with, conflicts of interest between their private pecuniary interests and their public duties. Allegations of conflicts of interest are not uncommon in Manitoba, and are always of keen public interest. The Commission's 128 page Report notes that since Manitoba's legislation was last amended in 1989, sweeping changes have been made to similar legislation in virtually every other Canadian jurisdiction. Manitoba is now practically alone among the provinces and territories in not having an independent officer of the Legislative Assembly to administer and enforce its conflict of interest legislation. It is also one of only two jurisdictions that relies on the courts as the final arbiter of the legislation, rather than the Legislative Assembly.

Manitoba's existing conflict of interest legislation is vague, confusing and complicated. No one has ever been prosecuted under its provisions, and the lack of an effective enforcement mechanism makes it unlikely that anyone ever will be. The Commission believes that the appointment of a Conflict of Interest Commissioner, and overall improvement and clarification of the Act, would greatly enhance public confidence in Manitoba's elected representatives and in the provincial political process. It therefore calls for the repeal of *The Legislative Assembly and Executive Council Conflict of Interest Act* and its replacement with modern legislation that is comparable to other conflict of interest legislation in place across the country.

2. IMPLEMENTATION

Since its establishment in 1970, the Commission has issued 145 Reports (106 formal and

39 informal) of which over 75% have been implemented. In the last decade, the implementation of our reports has dropped off considerably. Of the 35 reports not yet implemented, 26 were issued in the last decade. We do understand, however, that serious consideration is being given to the implementation of our Report on *Class Proceedings* and hopefully legislation will be introduced at the next session of the Legislature. Others which we believe are worthy of urgent consideration are reports dealing with commercial tenancies (on four separate issues), privity of contract, the portfolio theory of investments, compensation of vaccine-damaged children, and our most recent report on conflict of interest.

Lord Wilberforce, in the debates on the Queen's Speech in the House of Lords in 1998, urged the English Government to take action to implement Law Commission reports:

> There are already a number of excellent Law Commission reports which are all ready and crying out for legislation....
>
> Of course, the answer may be, "No legislative time", but that easy answer simply will not do. If the present system does not provide enough legislative time, we must change the system to ensure that it does.... Do not let law reform be forgotten. It should be cherished. It is well within a programme of modernisation. It is well worth finding time for, and well within the capacity and ambition of the Government. I urge the Government to take it seriously.[1]

We wholeheartedly concur.

3. CURRENT PROJECTS

We presently have two projects under study, wrongful dismissal and the law of wills and succession.

Wrongful Dismissal — This project will review bad faith dismissal. In particular, the focus of the project is the adequacy of the current remedies for bad faith dismissal from an individual employment contract. We are fortunate to have retained the services of Prof. Philip Osborne of the Faculty of Law, University of Manitoba, to undertake the project and we hope to have it completed in the coming year.

Wills and Succession — A complete review of the law of wills and succession. This project was suggested to us by Prof. Cameron Harvey of the Faculty of Law, University of Manitoba, who has prepared a

[1] *Hansard* (H.L.) 25 November 1998, vol. 595, cols. 86-88.

detailed and comprehensive review of the various statutes, case law and articles on the subject. As the project will require a great deal of additional work, we have retained Jonathan G. Penner, an independent researcher, to undertake this second phase. This is a very complex area of the law and it may be some time before a final report can be submitted to the Minister.

Several other topics are being considered by the Commission but no decisions have been made in this regard until we have a better indication of what our financial position will be in the coming year.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The members of the Commission during the past year consisted of:

Commissioner	Affiliation	Term expires
Clifford H.C. Edwards	Dean Emeritus, Faculty of Law, University of Manitoba	May 9, 2002
John C. Irvine	Professor, Faculty of Law, University of Manitoba	May 9, 2003
Gerald O. Jewers	Justice, Court of Queen's Bench	May 9, 2002
Pearl K. McGonigal	Non-lawyer	May 9, 2001
Kathleen C. Murphy	Practising lawyer	May 9, 2003

Prof. Edwards is the President of the Commission.

In May 2000, the Minister of Justice and Attorney General, Hon. Gord Mackintosh, appointed Kathleen C. Murphy, a practising lawyer, to serve on the Commission and to replace Eleanor R. Dawson who was appointed to the Federal Court of Canada in December of the previous year.

Since our establishment in 1970, the Commission has had only two Chairs appointed to direct its work. Francis C. Muldoon (now a judge of the Federal Court of Canada), who resigned in 1977 to join the federal Commission, and Clifford Edwards who has held that position since 1979 (with a brief six month break in 1988). Apart from meeting his many commitments at the Faculty of Law, Prof. Edwards has devoted a great deal of his time directing the work of the Commission, especially in the past 3 ½ years, for which we are most grateful.

2. STAFF

The day-to-day operations continue to be well maintained by Ms Suzanne Pelletier, who is employed on a contract basis. We also acknowledge the services of Bonnie Macdonald, a law student, who provided assistance to Prof. Osborne on two projects: wrongful dismissal and assessment of damages under *The Fatal Accidents Act*. She also was retained on a contract basis

during the summer and fall of 2000 to provide general assistance to the Commission.

Although our funding for the coming year has been increased, we currently do not have any provision in our operating grants for the hiring of full time permanent staff. We do plan, however, to hire a legal researcher during the coming year on a contract basis and hopefully by the end of the next fiscal year we will again have the appropriate funding for a more permanent arrangement.

3. CONSULTANTS

Consultants have been our saving grace during these past few years and we are fortunate to have retained several during the past year. Prof. Osborne undertook three projects, two of which were completed: Compensation of Vaccine-Damaged Children and Assessment of Damages under *The Fatal Accidents Act*. The third, the review of bad faith dismissal from employment is currently underway and a report should be forthcoming during the next year.

Prof. Cameron Harvey was retained to undertake the project on wills and succession law. He brings with him a great deal of expertise having taught the subject at the Faculty of Law, University of Manitoba, for several years. He has prepared a detailed and comprehensive review of the law which was presented to the Commission during the past year. Given the size of the project and Prof. Harvey's time constraints, it will now be undertaken by Jonathan Penner, an independent researcher. Mr. Penner was also retained for the project on conflict of interest which we completed in December 2000. He has been assisted by Blane Morgan on these various projects.

We take this opportunity to thank all of our consultants for their continued interest in the work of the Commission and their assistance in helping us achieve our goals.

4. FINANCE

The Department of Justice grant for the year 2000-2001 was increased from $50,000 to $55,000. In addition, payments of $10,000 and $20,000 were received to help finance the projects on damages under *The Fatal Accidents Act* and conflict of interest and the rental of our premises has been absorbed from within the Department. Although this totals nearly $90,000, we are still negotiating with the Minister to reinstate the Commission's financing on a more permanent basis, ie. the provision of a budget which would include at least 1½ staff positions. The Minister has assured us that he is doing everything he can to maintain our operations.

The Commission's application to the Manitoba Law Foundation for an increased grant from $30,000 to $50,000 was approved. It was also agreed that this grant would be for general operating expenditures rather than simply to help defray the cost of consultancy fees as has been

the practice in the past. Two applications for grants for the coming year have also been submitted to the Foundation which would result in a total grant of $65,000. We have recently been informed that both applications have been approved. The Commission is most grateful to the Foundation for its continued and increased support of our work.

As the Foundation grants are paid in quarterly installments, based on work performed during the three previous months, the task of maintaining operating capital (especially in the last three months of the fiscal year), is tenuous. As will be seen from our Financial Statement for the year 2000-2001 (Appendix D), the last quarterly payment of $12,500 from the Foundation grant was received in early April 2001. In actual fact, therefore, our surplus at the end of March was approximately $4,500.

5. PUBLIC RELATIONS

In May 2000, Prof. Philip Osborne attended an international workshop on vaccine injury compensation plans in Washington, DC. This Conference was organized by the medical director of the American National Vaccine Injury Compensation Program and funded by the Health Resources and Services Administration. It was attended by high level representatives from all over the world and the World Health Organization. A great deal of information was obtained on vaccine compensation programs throughout the world which proved to be of great assistance to Prof. Osborne in completing the project on *Compensation of Vaccine-damaged Children*. Our Report, submitted to the Minister in July, received a great deal of attention from the media and the general public and several copies were distributed to health care professionals and interested individuals. The President was a guest on the CJOB openline program and provided interviews to various news reporters. CBC's Questionnaire also reviewed the Report in mid-September with invited guests author Maureen Hickman, Dr. Bohemier, a Winnipeg medical practitioner and Prof. Edwards, the Commission's President.

Following release of our Report on the *Assessment of Damages under The Fatal Accidents Act*, the President was again interviewed by the Canadian Press, the Winnipeg Free Press, the Winnipeg Sun and CBC and CJOB radio stations. The last report to be issued during the past year, *The Legislative Assembly and Conflict of Interest*, also resulted in interviews on CBC Television news and CJOB open line as well as articles in both the Winnipeg Free Press and the Winnipeg Sun.

We also maintain working relationships with other law reform agencies in Canada and throughout the Commonwealth and provide articles for inclusion in the Manitoba Bar Association publication *Headnotes and Footnotes* and *Reform*, a journal of national and international law reform published by the Australian Law Reform Commission.

Although small in content, our website has been operational since July 2000. It contains the Executive Summaries (in French and English) of our more recent Reports and general

information regarding the Commission's membership, current program and a summary of topics dealt with in earlier years. Since its establishment, we have received several inquiries and, although many were outside our mandate and had to be referred elsewhere, we believe it is important that the work of the Commission be made as accessible to the public as possible. It is our hope, therefore, that over time it will be possible to make the Commission's full reports available on the website as has been done in many other jurisdictions.

PART IV

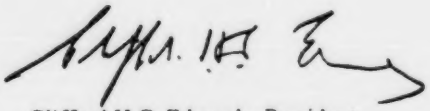
CONCLUSION

After thirty years of operation, it would be nice to be able to thank each and every person who has assisted us individually. However, for fear of inadvertently leaving someone off of such a list, we wish to express our sincere thanks for the support and encouragement we have received from so many over these years. We are very cognizant of the valuable contribution which has been made by members of the general public, various branches of government and, in particular, the legal profession and the judiciary. We also wish to thank the staff of the Administration and Finance Branch and the Library of the Department of Justice, The Provincial Archives and Legislative Library, the E.K. Williams Library and the Faculty of Law, the Law Society of Manitoba and the Manitoba Bar Association.

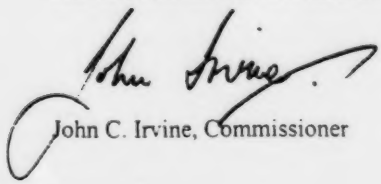
As mentioned earlier, our work could not be accomplished without the financial support of the Manitoba Law Foundation. The Foundation's grant for the past year was almost double that received in the previous year and our application for a further increase for coming year has been approved. We are most grateful to the Foundation for their continued support and especially wish to thank the Chair, Richard Swystun, for his interest in the Commission's endeavours.

Finally, we wish to thank the Minister of Justice and Attorney General, the Hon. Gord Mackintosh, for his assistance and support during the past year. His efforts on our behalf in trying to obtain sufficient funds to maintain a viable operation are most appreciated. We are also grateful for his availability to discuss issues of concern whenever they arise.

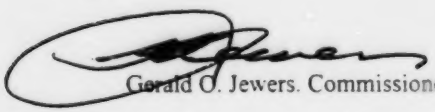
This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2001.



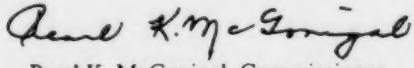
Clifford H.C. Edwards, President



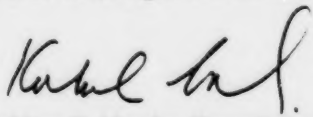
John C. Irvine, Commissioner



Gerald O. Jewers, Commissioner



Pearl K. McGonigal, Commissioner



Kathleen C. Murphy, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2000-2001 Fiscal Year (000's)

	April 1, 1999 to March 31, 2000	April 1, 2000 to March 31, 2001
RECEIPTS		
Funds carried forward	42.6	3.3
Grant from Justice Department	50.0	55.0
Transfers from other Departments	0.0	0.0
Project funding grants from Justice Department		30.0[1]
Manitoba Law Foundation Grant received	30.0	37.5
Manitoba Law Foundation Grant receivable		12.5
Total	**122.6**	**138.3**
EXPENDITURES		
Commissioners' remuneration & benefits	32.6	35.0
Telephone, fax, postage, courier	2.7	2.9
Printing of reports	9.6	10.1
Administrative & consultancy contracts	56.2	66.4
Rent	10.7	0.0[2]
Supplies & services	0.3	0.8
Computer related expenses	5.3	5.3
Meetings, travel and accommodation	0.5	0.3
Membership fees	0.4	0.0
Other operating	1.0	0.5
Total	**119.3**	**121.3**
Surplus(Deficit)	**3.3**	**17.0**[3]

[1]This represents two grants: $10,000 towards the administrative cost of the project on damages under *The Fatal Accidents Act* (Report #105) and $20,000 towards the administrative cost of the conflict of interest project (Report #106).

[2]The rent for the Commission's offices was paid from other appropriations within the Dept. of Justice.

[3]The actual balance in our Trust Account at year end was $4.5 as payment of the last installment of the Foundation grant was not received until early April 2001.

WALTER C. NEWMAN FUND

	April 1, 1998 to March 31, 1999	April 1, 1999 to March 31, 2000
Funds carried forward	**0.2**	**0.2**

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act	December 29, 1971	(change not recommended)
	(b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971	An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1))

Report #	Title	Date	Implementation of Commission's Recommendations
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23

Report #	Title	Date	Implementation of Commission's Recommendations
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3

Report #	Title	Date	Implementation of Commission's Recommendations
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50

Report #	Title	Date	Implementation of Commission's Recommendations
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	-
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)

Report #	Title	Date	Implementation of Commission's Recommendations
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46

Report #	Title	Date	Implementation of Commission's Recommendations
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	-
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)
#77	Non-charitable Purpose Trusts	September 21, 1992	-
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14

Report #	Title	Date	Implementation of Commission's Recommendations
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	-
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.))
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-

Report #	Title	Date	Implementation of Commission's Recommendations
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c. 69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	-
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
102	Informal Assessment of Competence	September 1999	-
103	Adult Protection and Elder Abuse	December 1999	-

Report #	Title	Date	Implementation of Commission's Recommendations
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
104	Compensation of Vaccine-Damaged Children	June 2000	-
105	Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship	October 2000	-
106	The Legislative Assembly and Conflict of Interest	December 2000	-
	Thirtieth Annual Report	March 31, 2000	(not applicable)